Criminal Misc. Transfer Application No. 23 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri B.S.Singh learned counsel for the applicant and learned A.G.A. and perused the material on record.

This is a petition under section 407 of the Code of Criminal Procedure for transfer of the criminal case from Almorah to any other district in plains. The reason given is that the petitioner is a heart patient and he had been advised not to travel in the hills. Medical certificate has been furnished which was issued by Medical Officer of P.H.C. Gannaur Babrala. The petitioner has not been shown to have received any treatment after diagnosis from a known health center or cardiologist.

Considering this it can not be accepted that the petitioner can not move or travel to the hills to stand trial before a Magistrate court there at Almora.

There being no merit in this petition, the same is dismissed in limine.

(Irshad Hussain, J.)

Dated: 18-10-03

ISB